

Applicants note with appreciation that the Office Action acknowledges the claim to priority and indicates that the certified copies of the priority documents have been received.

Applicants note with appreciation that the Notice of Acceptance of the Power of Attorney indicating that the new Power of Attorney designating the undersigned as the Attorney of Record has been accepted.

II. PRIOR ART REJECTIONS

A. Claims 1, 7 and 13

Claims 1, 7 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Published Patent Application No. US 2002/0123863 (Carleton). This rejection is traversed.

Carleton is directed to a method of monitoring and surveillance of a computer network according to a set of business rules. The method of Carleton applies business rules to the network monitoring so that designated users are notified according to user-defined escalation levels when a device violates a business rule. For example, if a network operator does not respond within a given time after being notified by an e-mail alert, the alert is escalated to a higher level of urgency, such as notification by phone or pager (see Figs. 16-18). The escalation of the alert levels makes it possible to give a problem an increasing level of attention.

Applicant submits that Carleton does not teach or suggest to display information based on a comparison of received network information with a display condition, as defined in independent claims 1, 7 and 13. Rather, the method of Carleton compares the length of broken communication time of a device in the network with the time interval specified in a business rule (see paragraph 54).

The Examiner asserts that Section 50, lines 1-7 of Carleton teaches "a receiving unit an module operable to receive information of said network." This section of Carleton teaches "Monitoring software hosted on the client server 22 collects status and statistics about device operation in the client network which is communicated via the network 16 to the secure monitoring server 34 within the remote network monitoring system 20." This section of Carleton merely teaches the collection of status and statistics related to device operation in the network. Applicant submits that this section of Carleton does not teach or suggest the claimed receiving unit.

Further, Applicant submits that Carleton does not teach or suggest a network monitoring apparatus that allows a user to set display information defining the information to be displayed and to monitor an amount of information flowing along an interconnecting device of a network. This allows the user to monitor the status of the network under a desired condition at least in real time.

There since Carleton does not teach each and every feature of claims 1, 7 and 13, Applicant submits that the rejection of claims 1, 7, and 13 under 35 U.S.C. § 102(e) is improper.

B. Claims 2-6, 8-12 and 14-21

Claims 2-6, 8-12 and 14-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Carleton in view of U.S. Patent No. 5,974,237 (Shurmer). This rejection is traversed.

Applicant submits that Shurmer fails to make up for the above-noted deficiencies of Carleton. Therefore, since the combination of Carleton and Shurmer fails to form the invention defined by claims 2-6, 8-12 and 14-21, Applicant submits that the rejection of claims 2-6, 8-12 and 14-21 under 35 U.S.C. § 103(a) is improper.

III. NEW CLAIM 26


Applicant submits that new claim 26 is patentable over the cited and applied prior art for the reasons presented above with respect to claim 1. Further, Applicant submits that neither Lane nor Shurmer teaches or suggests a comparing unit that reads information for said connection port according to a selected evaluation order, as recited in claim 26. The claimed invention provides flexibility for setting a state of the interconnecting device and facilitates the monitoring of the devices in a network. This inventive feature helps the user such as a network administrator monitor the status of the devices more conveniently, thereby improving the operation of monitoring the network.

For the reasons presented above, Applicant respectfully submits that the present application is in condition for allowance and respectfully solicits the allowance of the present application.

Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

1. (Amended) A network monitoring apparatus for displaying a state of a network having an interconnecting unit and monitoring said network, comprising:
a setting unit operable to set a display condition that defines information to be displayed;
a receiving unit operable to receive information flowing along the interconnecting unit of said network;
a comparing unit operable to compare an amount of said received information with said display condition; and
a display unit operable to display said information of said network at least in real time based on a result of the comparison by said comparing unit.

7. (Amended) A network monitoring program for allowing a state of a network having an interconnecting unit to be displayed and allowing said network to be monitored, comprising:
a setting module operable to set a display condition that defines information to be displayed;
a receiving module operable to receive information flowing along the interconnecting unit of said network;
a comparing module operable to compare an amount of said information received with said display condition; and
a display module operable to display said information of said network at least in real time based on a result of the comparison by said comparing module.

13. (Amended) A network monitoring method for displaying a state of a network having an interconnecting unit and monitoring said network, comprising:
setting a display condition that defines information to be displayed;
receiving information flowing along the interconnecting unit of said network;

comparing an amount of said received information of said network with said display condition; and

displaying said information of said network at least in real time based on a result of the comparison.

16. (Amended) A computer network system having an interconnecting unit, said computer network comprising:

a network monitoring apparatus operable to display a state of a network and to monitor said network; and

a network communication device operable to notify said network monitoring apparatus of said state of said network, wherein

said network monitoring apparatus includes:

a setting unit operable to set a display condition that defines information to be displayed;

a receiving unit operable to receive information flowing along the interconnecting unit of said network from said network communication device;

a comparing unit operable to compare an amount of said received information with said display condition; and

a display unit operable to display said information of said network at least in real time based on a result of the comparison by said comparing unit.

Please add the following new claim 26.

--26. A network monitoring apparatus as claimed in claim 6, wherein said comparing unit reads information for said connection port according to a selected evaluation order.--